

**BOARD OF SELECTMEN REGULAR MEETING**  
**Minutes of June 20, 2011**  
**5:40 p.m.**

*Selectmen:*

*Colette Worsman, Chairman*  
*Peter F. Brothers, Vice Chairman*  
*Miller C. Lovett*  
*Nathan J. Torr*  
*Herbert R. Vadney*

*Town Manager:*

*Phillip L. Warren*

*Recording Clerk:*

*Karin Landry*

Call to Order: Chair Colette Worsman called the meeting to order at 5:40 p.m. She introduced the Board, Town Manager, and the Recording Clerk, and made announcements pertaining to fire exits, listening assisted devices, the use of microphones, and cell phones.

**ACCEPTANCE AND/OR CORRECTION OF MINUTES:**

**11 -30 Acceptance of the Corrected 05/16/2011 Workshop Minutes.**

*Selectman Torr moved to accept the minutes of the 05/16/11 Workshop. Seconded by Selectman Lovett.*

Chair Worsman explained that the 05/16/11 Workshop minutes were held so corrections could be made.

*5-0. All in favor. Motion passed unanimously.*

*(Due to technical difficulties, the meeting commenced at 5:40. Accordingly, the Agenda was amended in order to accommodate the public hearing scheduled for 5:35 p.m.)*

**NEW BUSINESS:**

**11-31 Hearing: Cable Franchise Renewal Proceedings**

The Chair recited the Notice of Public Hearing:

As part of the cable franchise renewal proceedings between the Town of Meredith and Metrocast, the current cable operator, the Town of Meredith will hold its first public hearing on the future cable related needs of the community on June 20, 2011, at 5:35 p.m., at the Meredith Community Center, 1 Circle Drive, Meredith, NH.

The general public and representatives of local government, business and organizations are invited to attend and provide information on the future cable related needs and interests of the community. The record will remain open until further notice, and written submissions up until that time are also welcome.

*Selectman Brothers moved that the Board vote to open the hearing to begin the public ascertainment process for the renewal of the cable television franchise with Metrocast at 5:45 p.m. Seconded by Selectman Vadney. 5-0. All in favor. Motion passed unanimously.*

The Chair announced that this opens the first hearing to ascertain the future cable related needs and interests of the community as we begin the process of renewing the cable television franchise with Metrocast. She explained that this begins the public ascertainment process to gather information for the negotiations that the Town will soon engage in with Metrocast for a renewal of the cable franchise in the community. The floor was opened for initial comments from the Selectboard and Town Manager, and then members of the public.

The Town Manager explained that town representatives met with a regional consortium that is being formed to put a strategy together for the renewal of cable franchise, and to secure legal counsel. In securing legal counsel, the town was informed that it must hold a public ascertainment hearing. The hearing does not limit strategy, nor does it determine what strategy will be supported.

Selectman Lovett inquired if the problems that have been experienced with broadcasting the Selectboard meetings are the responsibility of Metrocast, and if so, why haven't they been fixed. The Town Manager explained that the matter is separate from the cable license, and that he is working with Lakes Region Public Access to resolve the matter.

Resident Jim Hughes inquired about coverage within the Town, and the fees the Town currently receives from this service. Steve Mazzaschi, Regional Technical Operations Manager for Metrocast, explained that when Metrocast took over Community TV in 1999, the Town of Meredith had 110 miles of service, 3,930 homes passed, and 2,353 customers. At present there are 161 miles of service, 4,751 homes passed, and 3,219 customers. Most of Meredith has been built out, with the exception of an area off Rte. 104 that is quite rural and does not meet the criteria for homes passed. He explained that Metrocast has kept up with advances in technology, and detailed the services that are available. In accordance with the terms of the existing franchise agreement, the Town generates franchise fees of approximately \$70,000 per year, which can be used for cable related purchases such as public access, PEG access, and infrastructure improvements.

Selectman Worsman inquired about the proposed terms of the contract with Metrocast. Mr. Mazzaschi explained that Metrocast is seeking a ten year renewal on the franchise agreement, and that negotiations will begin with a list of what the Town is looking for. The Town Manager explained that the process at this point is to take information so a list can be generated, and negotiations with Metrocast can begin. The reason for this ascertainment hearing is to determine if the Town wishes to have specific items included or excluded from the Agreement.

Chair Worsman has trouble accessing the TV Guide that is broadcast on Channel 35. Metrocast will investigate the matter.

Selectman Brothers inquired about the process for providing service to the area off Rte. 104 that currently doesn't have service. The Town Manager explained that the matter would have to be addressed in the negotiation process, and that there is currently an agreed to formula in place that requires ten subscribers per mile. In the not too distant past, certain sections of Town were identified where Metrocast would provide service at the cost of landowners.

Resident Bruce Reichlen lives at 42 Wall Street, which is not covered by Metrocast. He lives on the section of Wall Street that was formerly known as Wall Street Extension, and became a Town road two years ago. When Mr. Reichlen moved into the property a year ago, he contacted Metrocast and was told that in order for service to be provided to his home, Metrocast wanted nine subscribers. Mr. Reichlen believes that it is unreasonable to ask an individual to solicit subscribers. In addition, the franchise agreement calls for ten houses in a one mile stretch, with no more than 528' between driveways. Wall Street does not meet that criterion because there are two undeveloped lots that bring the distance between driveways to more than 528'. Mr. Reichlen asked the Selectmen to consider forming a cable committee, and volunteered to serve on the committee.

Selectman Vadney inquired about the technical capabilities of the system. Although the service he receives at his home is quite adequate for his purposes, he wonders if there are technical limitations faced by those who work out of their home or run businesses out of their home. He hopes to solicit input from citizens by getting the word out through the media, and asked anyone with technical or geographical issues to contact the Town Manager or one of the Selectboard.

Resident Jim Hughes recalls that in the past, the Town contributed to extending cable to different areas within the community through the use of the cable franchise fee. He suggested that the franchise agreement be reviewed to determine how the number of subscribers is determined.

Selectman Worsman announced that the Town will be conducting at least one more hearing on future cable related needs and interests of the community, its administration, public libraries, public schools, PEG Access needs, and the police and fire departments, as well as the future cable related needs and interests of the business community, and other elements of the community and residents. It is expected that a second public ascertainment hearing will be held either later this year or early in 2012. In the meantime, the Board will be reviewing its records on the performance of Metrocast under the existing franchise agreement and ask Metrocast to do the same by responding to a series of audit questions which will be sent to the company. The record for this hearing will be held open until the next hearing, and written comments or input from the public is welcome. She thanked those in attendance, and announced that the hearing is concluded.

*Selectman Torr motioned to close the public hearing at 6:05 p.m. Seconded by Selectman Lovett. 5-0. All in favor. Motion passed unanimously.*

Dialogue ensued regarding the formation of a cable committee. The matter will be scheduled for a future workshop. The Chair directed the Town Manager to provide a draft that the Board to work from.

#### **TOWN MANAGER'S REPORT:**

- The Town Manager updated the Board on the Greater Meredith Program's (GMP) request regarding snow removal on private property. LGC was consulted on the matter, and submitted a legal brief setting forth that public funds cannot be expended to maintain private roads, driveways, parking lots, or sidewalks unless maintenance is subordinate and incidental to public highway maintenance and the landowner pays the cost incurred to the town. If the Town were to provide that maintenance, it would not be entitled to the limitations of liability required in the case of the highways, and even if it was reimbursed, the Town probably would not enjoy any limited municipal liability for the activity and liability insurance might be available. The situation would be different if the sidewalk were public property, either owned in fee or by easement. There are several methods by which the Town could acquire a legal interest in the

sidewalk: If the sidewalk is parallel to an existing highway right of way, it could be appropriate to widen the right of way to include the sidewalk by highway layout under RSA 231:8 et seq.; if the Board of Selectmen has been granted authority to acquire land under RSA 41:14-a, the Board could acquire ownership or an easement in the sidewalk under those procedures; and the Town meeting, by an article in the warrant, could acquire ownership or an easement in the sidewalk. Selectman Brothers supports the project from the standpoint of the merits of the proposal and what it would accomplish. He wishes to respond appropriately to GMP stating that the Town cannot assume the maintenance, but would support it going forward if they can find a way to provide snow removal maintenance on a private basis. Selectman Worsman announced that there is concurrence among the Board that while the Board appreciates the steps taken by GMP to beautify this and other spots in Meredith, snow maintenance shall remain the responsibility of the abutters. The Town Manager will correspond with Bev Lapham of the GMP regarding the matter.

- The Town Manager received an email from a resident that is concerned that the trash that is deposited at the solid waste facility by commercial haulers is only coming from the Towns of Meredith and Center Harbor. There is no formal agreement that addresses the matter, and the Town Manager solicited the Board's input on whether or not to investigate it further. Dialogue ensued regarding methods for determining the amount of trash generated per household. The Town Manager explained that New England Resource Recycling does an annual calculation that is based on the amount recycled vs. the amount taken in. He has not seen any data based on the quantity vs. the population. Selectman Torr pointed out that the increase in seasonal population must be considered. Selectman Brothers was also contacted by the individual that sent the email. He recalls that the matter was extensively reviewed a few years ago, and it was determined that the staff at the recycling center is familiar with the vendors. In addition, the new form that must be signed this year adds another degree of comfort. He does not think that there is an issue, but believes the Board has a responsibility to monitor and relook at things periodically. The Town Manager will follow up on the matter with Department of Public Works Director Mike Faller.

- The fireworks display is scheduled for July 4, at 9:30 p.m. at Hesky Park. Rte. 3 will be closed to traffic at 7:30 p.m. The Town Docks will be closed to boat traffic around 3 p.m. In accordance with new restrictions, the barge used for launching the fireworks will not be attached to the end of the dock, as was done in the past. The fireworks will be loaded onto a barge and hauled into the Bay in order to maintain the required 300' safety zone. The Town Manager thanked all who participated in putting the display together, including the fire chief, police chief, the GMP, and Mike Faller.

- More noise complaints than usual were received during Bike Week. The source of the complaints was the noise generated from the Full Throttle Saloon in Laconia and the concert that was held on Saturday night at Laconia Harley Davidson in Meredith. The music at the concert that took place in Meredith was identified as being too loud due to meteorological conditions and the way the band was situated. The management at Laconia Harley Davidson recognizes that corrections must be made, and will address them for future concerts. The Chair pointed out that while it is critical to support business in the community, the Town must not lose site of the fact that its residents have to live and work here during Bike Week. The Town Manager will relay the noise complaints to the Laconia Motorcycle Association. As a resident of Meredith, Selectman Brothers appreciates that code enforcement monitored activities and held permit holders to designated uses. The Chair received a comment that the celebration has expanded to what should be its limits. Selectman Vadney observed that traffic on Rte. 3 was being stopped to allow a couple of motorcycles or pedestrians egress from the Laconia Harley Davidson site, which resulted in a back up of traffic on Route 3 towards Laconia. The Town Manager followed

through on the matter with police Chief Kevin Morrow, who made a point to enforce with staff and detail that they are to give priority to Rte. 3 traffic.

- The Town Manager has received concerns regarding the condition of non-numbered state roads in Meredith, including Meredith Center, Meredith Neck, Barnard Ridge, Pease Road, and Winona Rd. The Town Manager suggested that at some point the Board should discuss the strategies it wishes to employ regarding those roads and how they would be implemented. Selectman Brothers agrees that it is becoming painfully clear that as a result of budget cuts, the state is not doing the road maintenance that is needed, and urged residents to contact the Department of Transportation (DOT) to implore that action be taken. The Chair suggested that the Town compile an inventory of the condition of non-numbered state roads. The Town Manager explained that the RSMS software that is currently being used calls for the condition of town roads to be reanalyzed in 2012. The Town Manager will speak with Community Development Director John Edgar to determine whether technical assistance is available from the regional planning consortium on this matter. If assistance is not available through that channel, it will be investigated if assistance is available through the DOT. There was support among the Board for the Town Manager to generate a letter to DOT inquiring whether they have a road inventory for the Town of Meredith, including the implementation of additional roundabouts, and to keep a log of citizen comments regarding the deterioration of non-numbered state roads. In addition, the Town Manager will ask John Edgar whether the Rte. 3 and 25 Advisory Group will be reconvening. Selectman Torr suggested that as the Board takes a look at future budgets and budget concerns, it is a good time to start taking a close look at some of the Town roads. The Board has done a very good job of keeping the tax rate low, but is doing so at the expense of foregoing maintenance on roads and infrastructure within the town. Selectman Lovett agrees that while the Board has kept the Town portion of the tax rate steady for four years, and he supports the reasons for doing so, he finds it painful that the capital infrastructure has been cut so much. As roads and equipment deteriorate, they become exponentially more expensive to maintain or impossible to repair. The public must understand that we are following policies that will be costly in the future, and he solicited input on how to handle the matter. At some point the Board is going to have to make a decision that taxes have to be raised. The Chair pointed out that the Board has kept an eye on capital expenditures, and that the town roads have been maintained in very good condition. In addition, the Town has good equipment when compared to other towns. She thanked the members of the Board for working diligently to keep expenses down while keeping an eye on capital expenditures, and thinks the Board has done very well considering the economy. The Town Manager is beginning to become concerned that while there has been a robust capital improvement plan along the way that enabled recent hold backs, the Town will start to get into the exponential deterioration of roads and equipment. He does not recommend returning to the robust capital improvement plan of the past, but taking steps in that direction. Selectman Vadney pointed out that there is a huge distinction between the condition of state and Town roads. While the Town cannot do much of anything to the state roads, it can do anything it wants to Town roads if the money is generate to do so. He cautioned that the Board should be prepared for vociferous comments from the public.

**VISITOR'S AND RESIDENT'S COMMENTS:**

None

**SELECTMEN COMMENTS: (Reports on Committees 2nd meeting each month)**

None

**NEW BUSINESS:****11-32 Village Pathways Committee Update**

Liz Lapham, Chairman of the Meredith Village Pathways Committee, formally presented the Meredith Village Historic Walking Map. Last year, the Committee produced a map with five pathways throughout the Village, and is now proud to showcase the community's distinctive history, architectural heritage, scenic beauty, and pedestrian accessibility with this year's map. Ms. Lapham explained how the map is laid out, and thanked resident Fran Orenstein, who volunteered her time and talents to design the map. She suggested that the Board send a letter of thanks to Ms. Orenstein for her significant contribution. In addition, she thanked the Meredith Rotary Club, the Inns, Mill Falls, Meredith Village Savings Bank, and Health Eating Active Living (HEAL) for sponsoring the project; and members of the Village Pathways Committee and Town Planner Angela LaBrecque for their work on the project. The maps are now available at the Town Hall, Library, Chamber of Commerce, and Meredith Historical Society. In closing, she asked the Board to keep the Committee apprised of work that will be done to state roads, so it can share its ideas for bike and pedestrian pathways. The Chair thanked the Village Pathways Committee members for their tremendous work.

**11-33 NHEC Metering Project**

Seth Wheeler, Communications Administrator of New Hampshire Electric Coop, Doug Bergholm, Metering Supervisor, and Guy Ford, Cyber Security Executive, came before the Board to discuss details of the metering project and field questions.

Chair Worsman inquired where the project will begin, and how privacy issues will be addressed. Mr. Wheeler explained that the project is scheduled to begin later this week and expected to last a few months. It will begin with approximately 1,200 meters served by the Town of Meredith substation on Route 3. The intent is to following the meter read routes now in existence. Mr. Ford explained how the information is transmitted from the meter and assured that there is no private information such as names, telephone numbers, or account numbers that is transmitted. Electrical use is recorded in 15 minute increments, but only sent a couple of times a day. The Coop will have access to that information, but there are no plans in the near future to use that information. There may be programs designed that allow people to shift electric use to the time of day when capacity is underutilized, and save money by doing so. The information that is received is aggregated toward the end of the month for generating bills, and will only be used in that form. There is no risk of anybody's lifestyle or habits being exposed as a result of the information collected.

Selectman Brothers acknowledged that the smart meter concept can be very beneficial in reduced costs because the meter does not have to be read. What seems most useful to him is that consumers will be able to tailor their usage to non-peak times in order to realize a savings. He pointed out that the information may allow NHEC to purchase the bulk electricity that goes into the network in a more efficient manner for additional savings. The overall picture is positive from a consumer standpoint.

Selectman Lovett expressed appreciation for the Electric Coop being a good friend to the Town. As a member of the nominating committee for the Coop for a number of years, he had the opportunity to see a lot from the other side. He is very pleased with the number of ways the Coop has helped the Town with efficiencies. It is a good example of a user owned coop.

Selectman Vadney inquired if the new meters are ignition sources, thereby having an impact on where a propane tank can be located. Mr. Bergholm informed that the new meters are still considered ignition sources.

The Coop encourages Board and community members to call 800-698-2007 with questions or comments, or access the website at [www.nhec.com](http://www.nhec.com).

### **11-34 Transportation Advisory Committee Appointment**

The Lakes Region Planning Commission requested that John Edgar be reappointed to its Transportation Advisory Committee.

*Selectman Vadney moved that John Edgar be appointed as Meredith's representative on the Lakes Region Planning Commission's Transportation Advisory Committee. Seconded by Selectman Lovett. 5-0. All in favor. Motion passed unanimously.*

The Chair thanks Mr. Edgar for his service.

### **OLD BUSINESS:**

### **11-35 Foundry Avenue ZBA Rehearing Outcome and Process**

The Town Manager informed that the ZBA upheld their prior decision on the matter, and invited attorney Laura Specter to elaborate on the matter. This Board had the standing to request a rehearing of the matter, and also has authority to file an appeal with Superior Court. If the Board chooses to do so, the appeal should be filed by Friday, July 8. She explained the process for appealing to the Superior Court, and ultimately to the Supreme Court. An appeal of the Zoning Board's decision does not stay its decision, so the applicant would have a variance in place and may proceed at its own risk. The 2009 amendment to the Zoning Ordinance allows that a property split by a zoning district can use each portion of that property in accordance with its zone, which allows people to seek a variance to use entire portion as either one of those zones or to use the entire portion in a manner that neither is zoned. In order to grant a variance, the Zoning Board must find that five criteria are met, and in this case it did. The Chair inquired how a boundary line adjustment that was requested by the applicant prior to the zoning variance plays into the issue. Ms. Specter will review the Planning Board minutes and respond to the inquiry. She told the Board that she prefers to discuss the likelihood of prevailing in an appeal of the matter in closed session.

Resident Randy Eiffert asked the Board to consider appealing the matter to Superior Court. He set forth a number of reasons for doing so, including the property is in the watershed, it is the drinking water source, and state resources for protecting lakes are diminishing. The granting of the variance is clearly contrary to the public interest.

Resident Duncan McNeish urged the Board to review the matter relative to reversing the decision of the ZBA. He hopes that the Board moves forward in accordance with the advice of Attorney Specter.

Resident Chuck Braxton deferred his comments to the expertise of Attorney Specter, acknowledged that this has been a frustrating process from the beginning, and thanked the Board for its support.

The Chair announced that the Board will consult with legal counsel following adjournment.

**ADJOURNAMENT:**

*Selectman Brothers motioned to adjourn the Meeting at 7:20 p.m. Seconded by Selectman Torr. 5-0. All in favor. Motion passed unanimously.*

Respectfully submitted,

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Phillip L. Warren, Town Manager

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Colette Worsman, Chairman

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Peter F. Brothers, Vice Chairman

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Miller C. Lovett

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Nathan J. Torr

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Herbert R. Vadney